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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,142	12/04/2003	Jean Claude Marcou	CWD-026746-US-P1	1320

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/729,142

Applicant(s)

MARCOU ET AL.

Examiner

DHIRU R. PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-43 is/are allowed.
- 6) ☒ Claim(s) 44 is/are rejected.
- 7) ☒ Claim(s) 45-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
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Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a first arcuate cut -out section and a second arcuate-out section recited in claim 44 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for a first arcuate cut -out section and a second arcuate-out section . A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered. Applicant is responsible for showing reference number for claimed invention.
2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84©)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Response to Amendment

4. The amendment filed on 3/2/05 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows (Bold): a generally rectangular substrate having a generally planar surface, wherein a top corner of the substrate is cut away to form a first arcuate cut-out section and further, wherein a bottom corner of the substrate diagonally opposite from the first arcuate cut-out section is cut away to form a second arcuate cut-out section; a first horizontally elongated mounting hole horizontally disposed on the substrate at a point adjacent to an opposite top corner of the substrate; and a second horizontally elongated mounting hole horizontally disposed on the substrate at a point adjacent to an opposite bottom corner of the substrate, and disclosed that a utility outlet box cover element modifiable for use with utility outlet boxes of different configurations

Please note that the claim 44 must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claim must find clear support or antecedent basis in the description so that the meaning of the terms in the claim may be ascertainable by reference to the description, see MPEP 608.01 (d)(1).

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Applicant is required to cancel the new matter in the reply to this Office action.

specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 44 is not adequately supported by the original specification. The applicant is required to provide a reasonable explanation of why they feel **the original specification** supports the subject matter as disclosed in claim 44 that includes specification by page and line number, and to the drawings reference characters in the original disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103©) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 44 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bass et al (4,032,030) in view of Quin (5,877,450).

Bass disclose:

Regarding claim 1, a cover plate 31 (see fig 3, column 3 lines 10-50) suitable for use with a weatherproof electrical enclosure, the cover plate comprising: a generally substrate having a generally planar surface (see fig 3), wherein a top corner of the substrate is cut away to form a first arcuate cut-out section 34 (top corner, see fig 3, column 1 lines 35-68, column 5 lines 1-20) and further, wherein a bottom corner of the substrate diagonally opposite from the first arcuate cut-out section is cut away to form a second arcuate cut-out section 34 (bottom corner, see fig 3, column 1 lines 35-68, column 5 lines 1-20); a first horizontally elongated mounting hole 37 horizontally disposed on the substrate (top corner, see fig 3, column 3 lines 52-65); and a second horizontally elongated mounting hole 38 horizontally disposed on the substrate (Bottom corner, see fig 3, column 3 lines 52-65) , **please note that Bass disclosed that a utility outlet box cover element modifiable for use with utility outlet boxes of different configurations (see column 1 lines 35-38)**, but fails to disclose said cover being a generally rectangular and said first hole being at a point adjacent to an opposite top corner of the substrate and said second hole being at a point adjacent to an opposite bottom corner of the substrate. Quin teaches the use of a cover 32 plate is generally rectangular substrate (see fig 1, column 4 lines 58-61). It is well known in the electrical art to use a cover plate is generally rectangular substrate for a box as evidence by

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Quin, and It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide said cover being a generally rectangular of the assembly of Bass, since more than a mere change of form is necessary for patentability. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Wit respect to said first hole being at a point adjacent to an opposite top corner of the substrate and said second hole being at a point adjacent to an opposite bottom corner of the substrate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified assembly of Bass with said first hole being at a point adjacent to an opposite top corner of the substrate and said second hole being at a point adjacent to an opposite bottom corner of the substrate , since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) and In re Japikse, 86,USPQ 70.

Allowable Subject Matter

7. Claims 1-43 are allowed.
8. Claims 45-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claims 1-43 and 45-47 are the inclusion therein, in combination as currently claimed, of the limitation of a first adjustable

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position hinge clip (for claims 1-30) and an adjustable position hinge clip (for claims 31-42) for pivotably connecting the base to the cover (for claims 1-42), the hinge clip comprising a first hook disposed at a top end of the base for attaching the top end of the hinge clip to the first or second mounting rail. and a second hook disposed at a bottom end of the hinge clip for attaching the bottom end of the hinge clip to the first or second hinge mounting (for claim 43), and a first, second, third and fourth corner rib, wherein the first and second corner ribs are respectively positioned on opposite ends of the top of the first aperture rib and the third and fourth corner ribs are respectively positioned on opposite ends of the bottom of the second aperture rib and further, wherein removal of the center rib, aperture ribs, insert ribs, side ribs and corner ribs creates a second rectangular opening (for claims 45-47).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

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Conclusion

9. ***Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).***

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Response to Arguments

Applicant's arguments with respect to claim 44 has been considered but are moot in view of the new ground(s) of rejection.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1982. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DHIRU R PATEL

Primary Examiner

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Dhiru R Patel 3/14/05
~~DHIRU R. PATEL
PRIMARY EXAMINER~~